

<b>DATE OF DETERMINATION</b>	Thursday, 19 July 2018
<b>PANEL MEMBERS</b>	John Roseth (Chair), Peter Brennan, Louise Camenzuli, Stephen Bargwanna
<b>APOLOGIES</b>	Carl Scully, Bill Gawne
<b>DECLARATIONS OF INTEREST</b>	Sue Francis

Public meeting held at Waverley Council Chambers, corner of Bondi Road and Paul Street on 19 July 2018, opened at 2:00 pm, with this matter beginning at 4:00 pm and closed at 5:45 pm.

#### **MATTER DETERMINED**

##### **2018SCL028 – Waverley – DA533/2017**

28-34 Bronte Road, 36 Bronte Road, 38 Bronte Road, 40-42 Bronte Road, 84 Ebley Street, Bondi Junction  
Partial demolition of buildings and the construction of a 13 storey mixed use building including 124 residential apartments, 200m<sup>2</sup> of retail floor space, a registered club at ground and first floor levels and four levels of basement parking

#### **PANEL CONSIDERATION AND DECISION**

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

The Panel determined to refuse the development application pursuant to section 4.16 (previously section 80) of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.





#### **REASONS FOR THE DECISION**

- The Panel accepts the recommendation of the assessment report to refuse the application for the principal reason that it exceeds the height control by 42% or three floors.
- The applicant has submitted a request under cl 4.6 of the Waverley LEP 2012 to vary the height control; however, in the Panel's opinion, there is no justification for the variation.
- The Panel accepts that it would be difficult to design a mainly residential development on this site that complies with both the height and reaches the FSR limit. This is because residential development requires substantial separation distances from other sites. However, both the height control and the FSR control apply to this site and not being able to reach the full development potential of the site is not a sufficient reason for abandoning the height control.
- The Panel notes that in the applicant's cl 4.6 submission other buildings are mentioned for which the height control has been varied. This only underlines how, if a variation were allowed on this site, it would make it more difficult to continue applying the height control in the B4 zone in which the site is located.
- The Panel is aware that the applicant has submitted amended drawings which respond to some of the criticisms made by the council's Design Excellence Panel. The amended drawings do not

change the proposed height, so they do not contribute to resolving the major issue with this proposal. For that reason, a deferral of the application would serve no useful purpose.

**CONDITIONS**

Not applicable.

PANEL MEMBERS	
 John Roseth (Chair)	 Louise Camenzuli
 Peter Brennan	 Stephen Bargwanna

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2018SCL028 – Waverley – DA533/2017
2	PROPOSED DEVELOPMENT	Partial demolition of buildings and the construction of a 13 storey mixed use building including 124 residential apartments, 200m2 of retail floor space, a registered club at ground and first floor levels and four levels of basement parking
3	STREET ADDRESS	28-34 Bronte Road, 36 Bronte Road, 38 Bronte Road, 40-42 Bronte Road, 84 Ebley Street, Bondi Junction
4	APPLICANT/OWNER	Capital Bluestone (BJRSL) Pty Ltd ATF the Capital Bluestone (BJRSL) Unit Trust c/- Urbis Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>Environmental planning instruments: <ul style="list-style-type: none"> <li>State Environmental Planning Policy No 55 – Remediation of Land</li> <li>State Environmental Planning Policy No 64 – Advertising Signage</li> <li>State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development</li> <li>State Environmental Planning Policy (BASIX) 2004</li> <li>State Environmental Planning Policy (Infrastructure) 2007</li> <li>State Environmental Planning Policy (State and Regional Development) 2011</li> <li>Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005</li> <li>Waverley Local Environmental Plan 2012</li> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans: <ul style="list-style-type: none"> <li>Waverley Development Control Plan 2012</li> </ul> </li> <li>Planning agreements: Nil</li> <li>Provisions of the Environmental Planning and Assessment Regulation 2000: Nil</li> <li>Coastal zone management plan: Nil</li> <li>The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>The suitability of the site for the development</li> <li>Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>Applicant (Urbis) submissions dated 3 July 2018 and 17 July 2018</li> <li>Council assessment report: 5 July 2018</li> <li>Written submissions during public exhibition: 51 (includes 27 in support)</li> <li>Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>Support – Grant Amer</li> <li>Object – Tom Ackermann, Rodney Duarte, Troy Filson, Jim Degenhardt</li> <li>On behalf of the applicant – Tom Zdun (Capital Bluestone), Simon Wilkes (Urbis), Lisa Maree Carrigan (Group GSA), Bill Harrigan (Bondi Junction RSL).</li> </ul> </li> </ul>
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>Site inspection and briefing meeting 7 June 2018</li> <li>Final briefing meeting to discuss council's recommendation, 19 July 2018 at 12:30 pm. Attendees:</li> </ul>

		<ul style="list-style-type: none"> <li>○ <u>Panel members:</u> John Roseth (Chair), Peter Brennan, Louise Camenzuli, Stephen Bargwanna</li> <li>○ <u>Council assessment staff:</u> Angela Rossi, Jo Zancanaro, Beth Matlawski, Mitchell Reid</li> </ul>
9	<b>COUNCIL RECOMMENDATION</b>	Refusal
10	<b>DRAFT CONDITIONS</b>	Attached to the council assessment report